

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SHARON BEAUMONT

v.

KROGER TEXAS, LP, ET AL.

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Case No. 4:09cv605
(Judge Schneider/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 8, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion for Summary Judgment should be granted in part and denied in part.

The Court, having made a *de novo* review of the objections raised by Defendant Kroger Texas, L.P., is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendants' Motion for Summary Judgment (Dkt. #21) is **GRANTED** in part and **DENIED** in part.

It is further **ORDERED** that Plaintiff's claims for negligence are **DISMISSED** and KRGP, Inc., The Kroger Co., and Charles Gatlin are **DISMISSED**.

Plaintiff's only remaining claim for premises liability against Kroger Texas, L.P. shall proceed to trial.

It is SO ORDERED.

SIGNED this 4th day of January, 2011.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE